

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

DR. ROBERT W. MALONE,

Plaintiff,

V.

Case No. 3:22-cv-63

PETER R. BREGGIN, MD,
GINGER ROSS BREGGIN,
AMERICA OUT LOUD,
DR. JANE RUBY

-and-

RED VOICE MEDIA,

Defendants.

**DECLARATION OF RONNIE BITMAN IN SUPPORT OF
DEFENDANT, DR. JANE RUBY'S, MOTION TO DISMISS**

I, Ronnie J. Bitman, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the managing partner in the law firm of Bitman O'Brien & Morat, PLLC, and an attorney for Defendant Dr. Jane Ruby in the above-captioned action.

2. I submit this declaration to annex documents relevant to Defendant's motion to dismiss Plaintiff, Dr. Robert Malone's, Complaint under rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure.¹

¹ Dr. Ruby has also sought to recover her attorney's fees pursuant to Virginia's law prohibiting Strategic Lawsuits Against Public Participation (SLAPP), Va. Code § 9.01-223.2 (2020). The annexed Exhibits are relevant in that they are referenced in the Complaint and integral to the claims, they are generally known or are capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned and include plaintiff's admissions. Moreover, the exhibits can be gleaned for purposes of the *motive* determination in line with Dr. Ruby's anti-SLAPP arguments.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of a Tweet from Dr. Malone that was published to Twitter on March 27, 2023. Dr. Malone's Twitter account boasts over 1 million followers. *Id.*

4. Annexed hereto as **Exhibit 2** is a true and correct copy of a written transcript from the Dr. Jane Ruby Show wherein she interviewed Brother Alexis Bugnolo. Dr. Malone bases his defamation claim in part on this show. (*See* Compl. ¶ 5).

5. Annexed hereto as **Exhibit 3** is a true and correct copy of a written transcript from the Dr. Jane Ruby Show titled "Mass Formation 'Psychosis' is a Psyop Against the People." Dr. Malone bases his defamation claim in part on this show. (*See* Compl. ¶ 10).

6. Annexed hereto as **Exhibit 4** is a true and correct copy of a blog post from Breggin.com available at https://breggin.com/article-detail/post_detail/Robert-Malone-Health-Freedom-Movement-or-Deep-State-Denizen-America-Out-Loud-PULSE. Dr. Malone bases his defamation claim in part on statements made in the blog. (*See* Compl. ¶ 10).

7. Annexed hereto as **Exhibit 5** is a true and correct copy of the written transcript of Joe Rogan's interview of Dr. Malone, which was filed of public record by a government official and is available at: <https://nehls.house.gov/media/press-releases/joe-rogan-experience-1757-dr-robert-malone-md-full-transcript>. Dr. Malone's statements on mass formation psychosis are relevant to the allegations in this lawsuit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 12, 2023



/s/ Ronnie Bitman

Ronnie Bitman, Managing Partner
Bitman O'Brien & Morat, PLLC
Florida Bar No.: 0744891 (admitted pro hac)